

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

August 27, 2008

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. [Recognition of John Seymour, Orange County News/Westminster Journal](#)
- B. Recognition of Santini & Permanent Impressions.
- C. County of Orange Presentation on the Regional Wireless Feasibility Study.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

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1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

ROUTINE MATTERS

1.1 Proclamation proclaiming and declaring May 1, 2009 as Silver Star Banner Day in the City of Westminster.

RECOMMENDATION: Approve.

1.2 Acceptance of State Law Enforcement Services Funds (SLESF) FY 2008-09 (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the State Law Enforcement Subvented Grant Funds in the amount of approximately \$117,000 for FY 2008-09 for the funding offset of one police sergeant position at the Police Department.

1.3 Agreement with the County of Orange Authorizing the Utilization of the County's Mass Notification System (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with the County of Orange for the period August 15, 2008 to June 30, 2012, authorizing the City of Westminster to utilize the County's Mass Notification System, and authorize the City Manager to execute the agreement on behalf of the City.

The County of Orange agrees to fund the system for emergency notifications and to purchase updated information and equipment for the continued use of the system.

1.4 Sole Source Purchase of One New Farrow 60 Graffiti Removal Unit (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase of one Farrow 60 Graffiti Removal Unit from Quinn Rental Services, in the amount of \$22,304.25.

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1. CONSENT CALENDAR (Continued)

1.5 New Classification Specification for Police Aide and Revised Classification Specification and Title for Police Dispatcher (Eddie Manfro/Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- A. Approve the new classification specification for Police Aide; and
- B. Approve the revised classification specification and title change for Police Dispatcher.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.6 Resolution No. 4180 – A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Part-Time Employees of the City of Westminster (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4180.

ADMINISTRATIVE ITEMS

1.7 Special Event Permit Application from Westminster Foursquare Church to hold their 10th Annual Classic Car Show on Saturday, October 18, 2008 Between the hours of 6:00 a.m. and 2:00 p.m. (Includes set up and clean up times). The Actual Event will take Place from 9:00 a.m. until 1:00 p.m. The event will take place at the Westminster Foursquare Church located at 8091 22nd Street, Westminster. Applicant Estimates the Attendance will be 1,000 People (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the request from Westminster Foursquare Church to waive the \$100 Special Event Permit fee; and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

1.8 (City Council/Redevelopment Agency) Warrant Register dated August 6 through 19, 2008 (Paul Espinoza)

RECOMMENDATION: Approve.

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1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

1.9 Minutes of the Planning Commission meeting held July 16, 2008 (Doug McIsaac)

RECOMMENDATION: Receive and file.

1.10 Community Development Monthly Activity Report – July 2008 (Doug McIsaac)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on August 20, 2008

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of August 20, 2008

- 1) Case 2008-30 a Site Plan and Design Review involving the conversion of an existing garden center to indoor sales area and expansion of the existing store (Target) at 16400 Beach Boulevard.
- 2) Case 2008-44 a Conditional Use Permit to allow the sale of beer and wine in conjunction with an existing restaurant (Cat's Restaurant) at 15496 Magnolia Street #101
- 3) Case 2008-32 an amendment to a Conditional Use Permit to expand live entertainment from weekends (Saturday and Sunday) to Friday through Sunday at an existing restaurant (Paracel Seafood)

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4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

4.1 REVIEW OF THE JANUARY 24, 2007 ISSUED CONDITIONAL USE PERMIT, SITE PLAN AND DESIGN REVIEW (CASE NO. 2006-24), WHICH ALLOWED THE CONSTRUCTION AND OPERATION OF A FOOD MARKET WITH OFF-SALE OF BEER AND WINE IN CONJUNCTION WITH AN AUTOMOBILE SERVICE STATION TO OPERATE 24-HOURS A DAY (7-ELEVEN MARKET), LOCATED AT 13982 BOLSA CHICA ROAD (ASSESSOR'S PARCEL NUMBER 203-173-04); PROPERTY OWNER: LINDA ZONANA AZOULAY OF AZ INVESTMENT GROUP, LLC; APPLICANT: RHL DESIGN GROUP (Doug McIsaac)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

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4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4176 entitled "A Resolution of the Mayor and City Council of the City of Westminster affirming the conditional use permit, site plan and design review granted on January 24, 2007 which allowed the construction and operation of a food market with off-sale of beer and wine in conjunction with an automobile service station to operate 24-hours a day (7-Eleven Market), located at 13982 Bolsa Chica Road (Assessor's Parcel Number 203-173-04) (Case No. 2006-24)."

4.2 TIME SET FOR A PUBLIC HEARING ON THE IMPLEMENTATION OF CHAPTER 13.14 "EMERGENCY WATER MANAGEMENT PROGRAM", SECTION 13.14.040 "CONSERVATION PHASE IMPLEMENTATION", OF THE WESTMINSTER MUNICIPAL CODE WHICH CALLS FOR PHASE 1 VOLUNTARY REDUCTION IN WATER USAGE (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4173 entitled, "A Resolution of the Mayor and City Council of the City of Westminster declaring Phase 1-Voluntary Water Conservation of Chapter 13.14, Section 13.14.030, of the Westminster Municipal Code."

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 County Proposition 1B Funds (Bolsa Avenue Traffic Abatement Project – Agreement No. D08-043) (Mayor Margie Rice)

RECOMMENDATION: Approval of the revised Cooperative Agreement between the County of Orange and the City of Westminster for County Proposition 1B Funds (Bolsa Avenue Traffic Abatement Project – Agreement No. D08-043. with revision contained in letter dated August 15, 2008).

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for the Installation and Construction of Traffic Signal Control System, Controller Upgrades, CCTV Camera, Video Detection System and Fiber Optic Interconnect (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to the second lowest and most qualified and responsive bidder in the amount of \$699,176.23 to Pouk & Steinle, Inc. and that all other bids be rejected; and that the City Manager be authorized to execute the contract on behalf of the City.

6.2 Change Order with Thomco Construction, Inc. and Notice of Completion for Work Performed for Women's Employee Restroom Remodel at City Hall Building (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve a CIP budget transfer in the amount of \$2,598.82 from the City Hall Breakroom project to the City Hall Women's Restroom Remodel; and
- 2) Authorize an increase of \$6,826.82 to purchase order no. 5462 with Thomco Construction, Inc.; and
- 3) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

6.3 One Time Police Supplemental Retirement Annuity Purchase (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the purchase of an annuity with Pacific Life for the City of Westminster PARS Retirement Plan Benefit in the amount of \$2,155,654.31; and
- 2) Authorize the City Manager to execute the PARS Supplementary Retirement Plan (SRP) on behalf of the City.

6.4 Reimbursement of Lease Purchase Program Administration to American Family Housing, Inc. (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Authorize the transfer of funds in the amount of \$20,767.65 from the Redevelopment Fund Contingency to the Redevelopment Low-Mod Housing Fund Contractual –Other; and
- 2) Approve the reimbursement of the Lease Purchase Program Administration cost in the amount of \$20,767.65 to American Family Housing, Inc.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.5 Joint Meeting with Westminster School District (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council schedule Tuesday, September 30, 2008 at 6:00 p.m. in the East/West room in the Community Services Building for a Joint Meeting at the request of the Westminster School District to discuss the upcoming bond measure.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 The Mayor and City Council's Request to Review the Planning Commission's Action on Case 2008-58 an Application Requesting to Maintain a Temporary Tent on Days Where no Outdoor Parking Lot Sales will Occur (on Mondays Through Thursdays) for a Duration of August 19th to September 8th, 2008 at the Rear Parking Lot of Linder's Furniture Store Located at 15011 Beach Boulevard (Assessor's Parcel Number: 142-032-15); Applicant: Mark Kantor; Property Owner: Phillip Linder & Associates (Doug McIsaac)

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4182 Entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's determination that a temporary tent to remain on the site from August 19 to September 8, 2008 associated with a parking lot sale is consistent with the Westminster Municipal Code at Linder's Furniture store, a commercially zoned property, located at 15011 Beach Boulevard (Assessor's Parcel Number 142-032-15) (Case No. 2008-58).

8.2 The Mayor and City Council's Request to Review the Planning Commission's Action on Case 2008-24 an Application for a Design Review to Remodel the Exterior Façade of an Existing Retail Center Located at 9251 Bolsa Avenue (Assessor's Parcel Number 098-56-305); Applicant: Lee's Sandwiches – Cheuk Yau; Property Owner: Chieu Van Le (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4181 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission denial of a Design Review to allow an exterior façade modification that is not consistent with the City's design standards for the property located at 9251 Bolsa Avenue (Assessor's Parcel Number 098-563-05) (Case No. 2008-24)."

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9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to Install Parking Restrictions on Milton Avenue between Willow Lane and Hefley Street – T.C. 80-112 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4178 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for No Parking or Stopping at a Certain Location on the North Side of Milton Avenue, West of Willow Lane."

9.2 Request to Install Parking Restrictions on the North Side of Bishop Place, East of Weststate Street (Rear Driveways to Asian Garden Mall-9200 Bolsa Avenue) – T.C. 80-113A (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4179 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for No Parking or Stopping at a Certain Location on the North Side of Bishop Place, East of Weststate Street."

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary